REMARKS

By this amendment, Claims 1, 11, 21, and 22 have been amended. No other claims have been added or cancelled. Consequently, Claim 1-8, 10-18, and 20-38 are pending in the application.

SUMMARY OF THE REJECTIONS

Claims 1-7, 10-17, 20-28, 30-36, and 38 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over "RSVP Receiver Proxy" by Gai et al. ("*Gai*") in view of U.S. Patent Number 6,101,549 issued to Baugher et al. ("*Baugher*") in view of U.S. Patent Application No. 2004/0022191 A1 by Bernet et al. ("*Bernet*"). Claims 8, 18, 29, and 37 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Gai* in view of *Baugher* in view of *Bernet* in view of "Speech communication for working group based on LAN" by Lin et al. ("*Lin*"). The rejections are respectfully traversed.

NONOBVIOUSNESS ISSUES—GAI REFERENCE

The combination of asserted references based on *Gai*, even if properly combined, fail to teach the all the subject matter asserted in the Office Action or the entire subject matter that is claimed in the amended claims. In particular, each of the amended claims is either an independent claim that literally recites, or depends directly or indirectly from an independent claim that literally recites, a feature not present in the combination of references cited. In particular, as amended, the Office Action relies upon *Gai* to show the following subject matter featured in all the independent claims (Claims 1, 11, 21, and 22):

"determining, at the proxy node, whether to establish the network resources reservation;"

Gai does not disclose, teach, or suggest the above-cited element.

Gai fails to teach, disclose, or suggest the element of "determining, at the proxy node, whether to establish the network resources reservation." Instead of determining whether to establish the network resources reservation at a router acting as a proxy node, Gai teaches that a "router (R1) receives this message [a RSVP Path message] and it communicates with the policy server (See PS1 in FIG. 1 of Gai) for a decision on how to treat the Path message... The policy server communicates a decision to R1 to not forward the Path message, but instead to originate and send a Resv message to H1." See Gai, page 6 and FIG. 1 on page 5. Indeed, the Advisory Action of June 23, 2004 acknowledges, "the policy server makes a determination based on relevant information contained in the PATH message. The policy server then makes a decision as to whether to generate an RESV message based on this received information, see e.g., page 7 of Gai." Thus, in the approach of Gai, the router receiving the RSVP path message does not determine whether to establish the network resources reservation, but rather communicates the RSVP Path message to another entity (the policy server) that makes the decision.

In contrast to the approach of Gai, the pending claims feature determining, at a router acting as a proxy node, whether to establish the network resources reservation. For example, FIG. 2 of the Applicants' specification is a representation of an RESV proxy according to an embodiment. The RESV proxy performs step 304 of FIG. 3 to decide whether to establish the network resources reservation. See Page 16, lines 1-5.

Assuming, arguendo, that the policy server of Gai could be read in a manner as to encompass a router acting as a proxy node, the approach of Gai would still not disclose, teach, or suggest all elements that the Office Action relies on Gai to show, because numerous claimed elements of each independent claim are performed by a single entity, namely the router acting as a proxy node. In particular, if the policy server of Gai was considered a router acting as a proxy

node, then the subject matter of "generating, at the proxy node, an RESV message to reserve network resources for the anticipated traffic flow," would not be disclosed, taught, or suggested by *Gai* as *Gai* expressly teaches a router (R1 of FIG. 1 of *Gai*) receiving a RSVP Path message, the router communicating to a different entity (PS1 of FIG. 1 of *Gai*) for a decision as to whether to establish the network resources reservation, and a different entity than the policy server (R1 of FIG. 1 of *Gai*) sending the RESV message to the anticipated source. See page 6 of *Gai*.

As *Gai* is relied upon by the Office Action to show the above-discussed element, but *Gai* fails to teach, disclose or suggest the above-discussed element, it is respectfully submitted that independent Claims 1, 11, 21, and 22 are allowable over the cited art and each is in condition for allowance.

Claims 2-8, 10, 12-18, 20, and 23-38 are dependent claims, each of which depends (directly or indirectly) on one of the claims discussed above. Each of Claims 2-8, 10, 12-18, 20, and 23-38 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 2-8, 10, 12-18, 20, and 23-38 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this time, although the Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

Applicants respectfully request reconsideration and withdrawal of the rejection under §103.
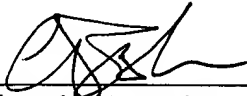
CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any fee shortages or credit any overages Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP
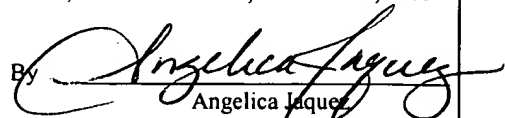
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